

Charles H Krumbein Va Bar No 01234
Krumbein & Associates PLLC
1650 Willow Lawn Drive
Richmond, Va 23230

**United States Bankruptcy Court
Eastern District of Virginia
Richmond Division**

In Re: Kendell Cecil Terry, Jr, and
Nina Nicole Givens

Chapter 13
Case No: 16-35920

**Motion To Continue Automatic Stay
After Prior Dismissal within one Year of Filing**

Please take notice: The debtors herein by their Counsel have filed with this Court a Motion to extend the automatic Stay, and for their cause state as follows:

Your Rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney you may wish to consult one.

NOTICE: A hearing has been scheduled for December 21, 2016
the time and courtroom to be set by the court at a later
date.

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to Consider your views then you or your attorney must on or before 14 Days after service of this motion:

File with the court, at the address shown below a written request for a hearing or express your views in writing, and mail your request to the Court for filing, you must mail it

early enough so that the Court will receive it on or before the 7 days prior to December 21, 2016.

United States Bankruptcy Court
Eastern District of Virginia
701 E Broad Street Room
Richmond, Va 23219

You must also Mail a copy to Charles H Krumbein
Krumbein & Associates PLLC
1650 Willow Lawn Drive
Richmond, Va 23230

AND Attend the Hearing set for December 21, 2016 at the time set by the United States Bankruptcy Court 701 E Broad Street Room ____, Richmond, Va 23129

If you or your attorney do take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order Granting the relief sought.

Motion to Extend Automatic Stay

1. Come now the Debtors, pursuant to 11 USC 362(c)(3)(B), requesting an order continuing the automatic stay provided under 11USC362(a) as to all creditors. In support of this motion, the Debtors state as follows:
2. This court has jurisdiction over this matter pursuant to 11USC105(a), 28USC 157(b)(1) and 28USC 1334. This matter is a core proceeding as defined by 28 USC 157(b)(2).
3. The Debtors filed the current petition for relief under Chapter 13 on December 2, 2016.
4. Within the twelve months prior to said filing date your Debtors were in an active Chapter 13 case Number

16-32543 KRH. Said Case was dismissed on November 8, 2016 on the Chapter 13 Trustee's Motion to Dismiss and Objection to plan terms.

5. Debtors have not filed any other case with the previous 24 months any other case under Title 11 except as disclosed above or herein.
6. The debtors remained current in their monthly payments under the previous case Plan as long as they were able.
7. The Debtors' prior Chapter 13 case was not dismissed because the Debtors failed to file or amend the petition or other document as required, or provide adequate protection payment as ordered by The Court, or perform the terms of a confirmed plan except as noted above.
8. As of the date of the dismissal of the Debtor's prior case no Section 362(d) actions were either pending or resolved by terminating, conditioning, or limiting the stay.
9. Debtors filed the instant case in good faith. One Debtor Kendell Terry had filed a chapter 7 within 4 years of the previous case and as such his debts could not be discharged in the prior case. Accordingly the Debtor were unable to create or fund a plan paying all of Debtor Terry's debts. They could not therefore file a plan to cure the Chapter 13's trustee's motion and objection in the appropriate cure time frame.

10. After the Dismissal, the Virginia Credit Union repossessed the debtor Nina Givens automobile on or about Friday November 25, 2016. The debtors by their counsel have requested that the vehicle be released in exchange for payment of the repossession fees and storage fees and proof of insurance.

11. This Motion is not made for the purpose of delay, but rather to effect the debtors rights to propose a plan to deal with both Husband and wife's individual debt and deal with such under a confirmable and completeable plan.

Wherefore, your debtors respectfully request the Court continue the stay under 11 USC 362(a) as to all Creditors for the duration of this Chapter 13 proceeding or until such time as the stay is terminated under 362(c)(1) or (c)(2) or a motion for relief is granted under 362(d).

Dated December 2, 2016

Kendell C Terry, and
Nina Givens
Debtors
/S/ Charles H Krumbein
By Charles H Krumbein
Debtors Counsel

Charles H Krumbein Va Bar No 01234
Krumbein & Associates PLLC
1650 Willow Lawn Drive
Richmond, Va 23230
804 673 4358
Fax: 234 1159

Certificate of Service

The undersigned hereby certifies that on December 2, 2016 a true copy was served on all necessary parties by CM/ECF.

Dated December 2, 2016

/S/ Charles H Krumbein
By Charles H Krumbein
Debtors Counsel